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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAI'I

LIMU COALITION; and KĪLAUEA) CIVIL NO. 02-00521 BMK
NEIGHBORHOOD ASSOCIATION,)

Plaintiffs,)

v.)

JAMES H. PFLUEGER; PFLUEGER)
PROPERTIES; and PILA'A 400, LLC,)

Defendants.)

UNITED STATES OF AMERICA; and) CIVIL NO. 06-00140 BMK
DEPARTMENT OF HEALTH, STATE)
OF HAWAI'I,)

Plaintiffs,)

v.)

JAMES H. PFLUEGER; PFLUEGER)
PROPERTIES; and PILA'A 400, LLC,)

Defendants.)

) PLAINTIFFS LIMU COALITION
) AND KĪLAUEA NEIGHBORHOOD
) ASSOCIATION'S JOINDER IN
) PLAINTIFF UNITED STATES OF
) AMERICA'S MOTION TO ENTER
) CONSENT DECREE; CERTIFICATE
) OF SERVICE
) Date: June 16, 2006
) Time: 2:00 p.m.
) Judge: Honorable Barry M. Kurren

PLAINTIFFS LIMU COALITION AND KĪLAUEA
NEIGHBORHOOD ASSOCIATION'S JOINDER IN PLAINTIFF UNITED
STATES OF AMERICA'S MOTION TO ENTER CONSENT DECREE

Pursuant to Local Rule 7.9 of the United States District Court for the District of Hawai'i, plaintiffs Limu Coalition and Kīlauea Neighborhood Association (collectively, "the Citizens") hereby join in the Motion to Enter Consent Decree filed by plaintiff United States of America on May 26, 2006 in United States, et al., v. Pflueger, et al., Civil No. 06-00140 BMK (D. Haw.) ("the Government Suit"). The public interest strongly favors prompt entry of the Consent Decree that the parties lodged in the Government Suit on March 9, 2006, since vital remediation and ecosystem restoration activities at Pīla'a cannot proceed unless and until the decree is entered. See Consent Decree at ¶ 20 (remedial work authorized pursuant to Nationwide Permit 32); see also 67 Fed. Reg. 2,020, 2,084 (Jan. 15, 2002) (Nationwide Permit 32 authorizes "discharge of dredged or fill material ... undertaken for mitigation, restoration, or environmental benefit in compliance with ... [t]he terms of a ... consent decree ... resulting from an enforcement action brought by the U.S."). Due to the need to undertake these activities prior to the onset of the next rainy season, the Citizens urge the Court to enter the Consent Decree immediately. See Consent Decree at app. I.

The Citizens also support entry of the consent decree because it would trigger defendants James H. Pflueger, Pflueger Properties LLP, and Pīla'a

400, LLC's obligations under the Settlement Agreement and Order lodged on March 9, 2006 in Limu Coalition, et al., v. Pflueger, et al., Civil No. 02-00521 BMK (D. Haw.). The environmental projects required pursuant to the Settlement Agreement would substantially benefit the public by: (1) funding the purchase, operation, and support of a mobile water quality laboratory that would improve the community's capacity to detect and respond to incidents involving water contamination; and (2) requiring the restoration of the ocean view from Kūhiō Highway. See Settlement Agreement at ¶¶ 3-5.

The Citizens take no position with respect to whether, in addition to signing and entering the Consent Decree and the Settlement Agreement, the Court should enter the Proposed Order that the United States submitted with its moving papers.

DATED at Honolulu, Hawai'i, May 31, 2006.

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By: /s/ David L. Henkin
David L. Henkin
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CERTIFICATE OF SERVICE

I hereby certify that, on May 31, 2006, a true and correct copy of the foregoing was served by the methods of service noted below on the following at their last known addresses:

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DATED: Honolulu, Hawai'i, May 31, 2006.

/s/ David L. Henkin
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